

The Role of the Constitution in Managing Ethnic and Religious Diversity in India

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Abstract— India is one of the most ethnically and religiously diverse societies in the world, making the constitutional management of diversity a critical aspect of democratic governance. This paper examines the role of the Constitution of India in regulating and accommodating ethnic and religious plurality through principles of equality, secularism, federalism, and minority protection. It analyses fundamental rights relating to religion, culture, language, and education, as well as affirmative action policies aimed at achieving substantive equality and social inclusion. The study also highlights the role of the judiciary in interpreting constitutional provisions to safeguard pluralism and restrain majoritarian impulses. Further, it identifies key challenges, including political polarisation, implementation gaps, and institutional limitations. The paper concludes that while India's constitutional framework is robust and inclusive in design, its effectiveness depends on consistent enforcement, constitutional morality, and sustained commitment to plural democratic values.

Keywords— Pluralism, Constitutional Morality, Political Polarisation, Constitution of India.

I. INTRODUCTION

India is one of the most ethnically, linguistically, and religiously diverse countries in the world. Its population comprises numerous religious communities, including Hindus, Muslims, Christians, Sikhs, Buddhists, Jains, and others, as well as hundreds of ethnic groups and more than a thousand linguistic and cultural identities. This diversity is not incidental but foundational to the Indian social fabric. However, such pluralism also presents inherent challenges for governance, national integration, and social harmony. In this context, the Constitution of India plays a central and indispensable role in managing ethnic and religious diversity by providing a normative framework for equality, freedom, and coexistence (Austin, 1966).

The Indian Constitution, adopted in 1950, was framed in the aftermath of colonial rule and the traumatic experience of Partition, which was marked by intense communal violence and mass displacement along religious lines. The Constituent Assembly was acutely aware of the dangers posed by religious majoritarianism, ethnic exclusion, and cultural homogenisation. Consequently, the Constitution was deliberately designed as a pluralistic and inclusive document that seeks to accommodate diversity while preserving the nation's unity and integrity (Granville

Austin, 1999). Unlike assimilationist models, the Indian constitutional vision is premised on the recognition and protection of difference within a common civic framework.

At the core of India's constitutional approach to diversity lies the principle of equality. Articles 14, 15, and 16 guarantee equality before the law, prohibit discrimination on grounds of religion, race, caste, sex, or place of birth, and ensure equal opportunity in public employment. These provisions establish a constitutional commitment to non-discrimination while simultaneously acknowledging the deep-rooted social hierarchies that characterise Indian society (Basu, 2015). Importantly, the Constitution goes beyond formal equality by permitting affirmative action for socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes, thereby adopting a substantive conception of equality aimed at correcting historical injustices (Austin, 2010).

Religious freedom constitutes another foundational pillar of constitutional governance in India. Articles 25 to 28 guarantee freedom of conscience and the right freely to profess, practise, and propagate religion, subject to public order, morality, and health. These provisions reflect India's commitment to religious pluralism and the peaceful

coexistence of diverse faiths. At the same time, the Constitution empowers the state to regulate or restrict religious practices that are inconsistent with fundamental rights or social reform, thereby striking a balance between individual religious liberty and collective constitutional values (Bhargava, 2010). This balance has been central to India's model of secularism, which differs from strict separationist approaches by maintaining a principled engagement with religion rather than complete state indifference.

The protection of minority rights is a distinctive feature of the Indian constitutional framework. Articles 29 and 30 provide cultural and educational rights to religious and linguistic minorities, enabling them to preserve their languages, scripts, cultures, and institutions. These safeguards are crucial for preventing cultural assimilation and ensuring that minority communities retain a sense of security and belonging within the Indian state. By constitutionally recognising group rights alongside individual rights, India adopts a multicultural approach that acknowledges diversity as a permanent and valuable feature of national life rather than a temporary challenge to be overcome.

Federalism also plays a significant role in managing India's ethnic and linguistic diversity. The reorganisation of states on linguistic lines, beginning in the 1950s, exemplifies the constitutional accommodation of regional and cultural identities. Special provisions under Articles 371A–371J further recognise the unique social, cultural, and customary practices of certain regions, particularly in the North-East. These asymmetrical federal arrangements reflect the Constitution's flexibility in responding to diverse regional aspirations while maintaining national unity (Tillin, 2013).

The judiciary has been instrumental in interpreting and enforcing constitutional provisions related to ethnic and religious diversity. Through landmark judgments, the Supreme Court of India has elaborated doctrines such as secularism as a basic feature of the Constitution, constitutional morality, and harmonious construction of rights. Judicial interventions have often served as a check against majoritarian impulses and executive excesses, reinforcing the Constitution's role as a guardian of pluralism (Baxi, 2014). At the same time, judicial decisions also reveal the tensions and complexities involved in balancing religious autonomy with constitutional values of equality and dignity.

Despite its comprehensive constitutional framework, India continues to face significant challenges in managing ethnic and religious diversity. Communal polarisation, identity-based politics, and uneven implementation of

constitutional guarantees often undermine the promise of equality and secularism. Nevertheless, the Constitution remains the primary instrument for addressing these challenges. Its emphasis on justice, liberty, equality, and fraternity provides a normative compass for navigating diversity in a democratic society.

In this backdrop, the present study examines the role of the Indian Constitution in managing ethnic and religious diversity. It seeks to analyse constitutional principles, institutional mechanisms, and judicial interpretations that collectively contribute to the accommodation of plural identities while safeguarding national unity. The study underscores that the success of India's democratic experiment depends fundamentally on the continued commitment to constitutional values in both law and practice.

II. LITERATURE REVIEW

Khosla (2020) argues that India's Constitution was designed to *create* democratic citizenship amid deep social heterogeneity. He shows how universal adult franchise, rights, and institutional design were meant to integrate diverse religious and ethnic publics into a shared constitutional project, making constitutionalism a tool of nation-building rather than a mere limitation of power.

Govind (2023) critically examines secularism's constitutional status after *S.R. Bommai*, focusing on how courts justify secularism as part of the Constitution's "basic structure." The article helps explain why judicial doctrine is central to managing religious diversity—both by restraining communal state action and by setting standards for constitutional reasoning on religion–state relations.

III. CONCEPTUAL FRAMEWORK

Meaning of Ethnicity, Religion, and Multiculturalism

Ethnicity refers to a shared sense of identity based on common ancestry, language, culture, traditions, or historical experience. Ethnic identity is socially constructed and evolves over time through collective memory and group consciousness. In plural societies like India, ethnicity often intersects with language, region, and caste, shaping political mobilisation and claims for recognition (Horowitz, 1989).

Religion denotes an organised system of beliefs, practices, rituals, and moral codes relating to the sacred or divine. Beyond personal faith, religion serves as a powerful social institution that shapes norms, law, and public life. In constitutional democracies, religion becomes a critical

category for protecting rights, particularly freedom of conscience, equality, and minority safeguards (Bhargava, 2010).

Multiculturalism is both a descriptive condition and a normative framework. Descriptively, it recognises the coexistence of diverse cultural, ethnic, and religious groups within a single political community. Normatively, it supports public recognition, accommodation, and protection of cultural differences through law and institutions, rather than enforced assimilation (Kymlicka, 1995). Multiculturalism thus seeks to reconcile diversity with democratic citizenship.

Constitutionalism and Diversity Governance

Constitutionalism refers to governance based on constitutional supremacy, limited state power, protection of fundamental rights, and adherence to the rule of law. In diverse societies, constitutionalism provides mechanisms to manage difference through equality, non-discrimination, minority rights, federalism, and judicial review (Ghai, 2000).

Diversity governance under constitutionalism involves balancing unity with pluralism by institutionalising legal safeguards that prevent majoritarian domination while enabling peaceful coexistence. Constitutions act as instruments of integration by recognising diversity as a permanent feature of society and embedding pluralism within the framework of democratic governance (Khosla, 2020).

Historical Context of Diversity and Constitutional Development

Diversity in Pre-Constitutional India

India's social landscape prior to the Constitution was marked by plural ethnic, linguistic, and religious traditions deeply rooted in its historical evolution. The subcontinent encompassed a mosaic of kingdoms and communities with distinct customs and belief systems, creating a plural society long before colonial rule. Colonial governance, especially under the British, further institutionalised identities through administrative categorisations and legal pluralism, inadvertently reinforcing fault lines and communal identities. These historical dynamics underscored the necessity for a democratic constitutional order that could reconcile diversity with political unity in the post-colonial period (Arushi, 2024).

Evolution of Constitutional Responses to Pluralism

The Constitution of India emerged as an inclusive framework crafted to manage this deep diversity through principles of equality, secularism, and justice. Anchored in the Preamble's commitment to a *sovereign, socialist, secular, democratic republic*, the constitutional project

sought to secure liberty of thought, belief, and worship for all, reflecting plural commitments (Indian Constitution Preamble). Foundational jurisprudence and rights protections—especially in Part III (Fundamental Rights)—aim to prevent discrimination and promote equal citizenship (sec. Articles 14–16; Articles 25–30*). Recent scholarship emphasises that constitutional secularism and pluralism are legally protected through these guarantees, even as debates around their interpretation continue (James Halte, 2023).

Judicial interpretation has further shaped the constitutional response to pluralism, balancing individual freedoms with communal rights and compelling the state to remain neutral toward religious differences. Cases involving religious expression, minority rights, and secular governance illustrate how the Constitution adapts to evolving social contexts while affirming its pluralistic ethos.

Constitutional Principles Governing Diversity

Equality and Non-Discrimination

Equality is the foundational principle through which the Indian Constitution governs ethnic and religious diversity. Articles 14, 15, and 16 guarantee equality before the law and prohibit discrimination on grounds of religion, race, caste, sex, or place of birth. Contemporary constitutional scholarship emphasises that the Indian Constitution adopts substantive equality, permitting affirmative action to address historical and structural disadvantages faced by marginalised communities (Khosla, 2020). Equality thus functions not merely as formal neutrality but as an instrument for inclusive citizenship in a deeply stratified society.

Secularism and Freedom of Religion

Secularism is a core constitutional principle that regulates religious diversity in India. Articles 25–28 guarantee freedom of conscience and the right to profess, practise, and propagate religion, subject to public order, morality, and health. Indian secularism differs from strict separationist models by adopting a framework of principled state engagement, allowing regulation of religious practices to uphold constitutional values such as equality and reform. Judicial interpretations have consistently affirmed secularism as part of the Constitution's basic structure, reinforcing state neutrality and plural coexistence.

Dignity, Fraternity, and Social Justice

The Preamble's emphasis on dignity, fraternity, and social justice provides the moral foundation for diversity governance. Constitutional dignity requires respect for individual and group identities, while fraternity promotes

unity amid difference. Social justice, achieved through redistributive and protective measures, seeks to integrate historically excluded groups into the constitutional order. Recent scholarship highlights that these principles collectively prevent majoritarian dominance and sustain democratic pluralism in India.

Fundamental Rights and Protection of Minorities

Cultural and Religious Rights

The Indian Constitution's Part III guarantees cultural and religious protections essential for managing diversity. Articles 25–28 secure freedom of conscience and religion by allowing citizens to practise, profess, and propagate their faith, subject to public order, morality, and health, and require the state to treat all religions impartially. Articles 29–30 specifically protect distinct cultural identities: Article 29 enables any citizen group to conserve its language, script, or culture without state discrimination, while Article 30 empowers religious and linguistic minorities to establish and administer educational institutions to preserve their heritage.

Linguistic and Educational Rights

Article 29 applies to any citizen section with a unique culture or language, restricting state interference in its preservation and protecting entry into state-funded institutions on non-discriminatory grounds. Article 30's educational rights underscore minority autonomy by safeguarding their ability to run institutions of their choice, though reasonable state regulation for standards remains permissible. Judicial interpretation has reinforced the autonomy of minority institutions while balancing inclusive educational standards and state oversight.

Protection Against Majoritarianism

Constitutional safeguards aim to shield minorities from majoritarian pressures by embedding non-discrimination and cultural autonomy within justiciable. However, scholars note ongoing challenges in actual enforcement due to uneven political will, socio-economic disparities, and communal tensions that can weaken these protections. Institutional mechanisms, including the judiciary and policy interventions, play key roles in upholding constitutional guarantees in practice.

Federalism, Autonomy, and Decentralisation

Territorial Accommodation of Diversity

Indian federalism has been a central constitutional mechanism for accommodating ethnic, linguistic, and regional diversity. Unlike classical federal models, the Indian Constitution adopts an asymmetrical and flexible federal structure, allowing differential treatment of states to respond to diverse historical and cultural contexts. The

linguistic reorganisation of states and the continuing creation of new states illustrate how territorial restructuring functions as a democratic response to identity-based demands. Contemporary scholarship highlights that Indian federalism balances unity and diversity by combining strong central authority with space for regional self-governance, thereby reducing separatist pressures while preserving national integrity.

Special Provisions for Ethnic or Religious Groups

The Constitution incorporates special provisions under Articles 371A–371J, particularly for states in the North-East and other historically distinct regions. These provisions recognise customary laws, land rights, and social practices of tribal and ethnic communities, reflecting constitutional sensitivity to group autonomy. Scholars argue that such differentiated constitutional arrangements are essential for protecting minority identities and preventing cultural homogenisation in a majoritarian democracy. Decentralisation through Panchayati Raj Institutions and autonomous district councils under the Sixth Schedule further strengthens local self-rule and participatory governance. Recent studies emphasise that while these arrangements enhance inclusion, their effectiveness depends on genuine political decentralisation and consistent constitutional enforcement.

Affirmative Action and Inclusive Constitutional Policies

i. Constitutional Basis of Reservations

The Indian Constitution expressly permits affirmative action through Articles 15(4), 15(5), and 16(4), enabling the State to provide reservations for socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes to address historical exclusion.

ii. Reservations as Special Measures

Reservations in education, public employment, and political representation function as special constitutional measures aimed at correcting systemic disadvantages rather than granting privileges, reflecting the Constitution's commitment to distributive justice.

iii. Substantive Equality Framework

Indian constitutional jurisprudence recognises **substantive equality**, which allows differential treatment to achieve real equality. This approach moves beyond formal non-discrimination to address structural inequalities embedded in caste, ethnicity, and social hierarchies.

iv. Judicial Safeguards and Limits

The judiciary has upheld affirmative action while imposing limits such as the exclusion of the “creamy layer” and the 50% ceiling principle, ensuring that reservations remain proportionate and aligned with constitutional equality.

v. *Social Inclusion and Representation*

Affirmative action policies have expanded representation of marginalised groups in education, governance, and employment, promoting social inclusion and enhancing democratic participation within diverse societies.

vi. *Dynamic and Evolving Policy Tool*

Affirmative action in India is not static; it evolves through constitutional amendments, judicial interpretation, and policy reforms, reflecting changing social realities and the ongoing pursuit of inclusive constitutional governance.

IV. ROLE OF JUDICIARY IN MANAGING DIVERSITY

Constitutional Interpretation

The judiciary plays a central role in managing ethnic and religious diversity in India by interpreting and enforcing constitutional provisions in a plural society. As the guardian of the Constitution, the Supreme Court has developed interpretive doctrines that balance individual rights, group identities, and constitutional values such as equality, secularism, and fraternity. Through purposive and progressive interpretation, courts have ensured that fundamental rights are not applied mechanically but are adapted to India’s complex social realities.

Judicial interpretation has been particularly significant in giving substantive meaning to secularism and minority rights. By recognising secularism as part of the **basic structure of the Constitution**, the judiciary has limited the scope of majoritarian political action and reinforced state neutrality in religious matters. Courts have also applied the doctrine of **harmonious construction** to reconcile religious freedom with other fundamental rights, especially equality and dignity. This approach protects religious practices while subjecting them to constitutional scrutiny when they conflict with public order, social reform, or gender justice.

In matters concerning ethnic and cultural diversity, judicial oversight has strengthened constitutional federalism and minority autonomy. The courts have interpreted Articles 29 and 30 expansively to protect the linguistic and educational rights of minorities, while permitting reasonable regulation to maintain academic standards.

Judicial review has thus acted as a stabilising force, mediating tensions between unity and diversity.

However, scholars note that the judiciary’s role is not without challenges. Inconsistent reasoning, delays, and heightened politicisation of identity-related disputes sometimes weaken judicial effectiveness. Despite these limitations, the judiciary remains a crucial institution for protecting pluralism and constitutional morality in India. Its interpretive authority ensures that diversity is governed by constitutional principles rather than shifting political majorities.

Landmark Judicial Decisions

i. *Kesavananda Bharati v. State of Kerala (1973)*

Established the *basic structure doctrine*, ensuring that core constitutional values such as secularism, equality, and minority rights cannot be diluted by parliamentary majorities.

ii. *S. R. Bommai v. Union of India (1994)*

Declared secularism to be part of the basic structure of the Constitution and limited the misuse of Article 356, strengthening constitutional protection against communal governance.

iii. *St. Stephen’s College v. University of Delhi (1992)*

Affirmed the autonomy of minority educational institutions under Article 30 while allowing reasonable state regulation, balancing minority rights with equality principles.

iv. *Indian Young Lawyers Association v. State of Kerala (2018) (Sabarimala case)*

Held that religious practices violating constitutional morality and gender equality are subject to judicial review, reinforcing dignity and substantive equality over exclusionary customs.

Limitations and Challenges

i. *Majoritarian Political Pressures*

Democratic majoritarianism sometimes undermines constitutional protections, as electoral politics may prioritise dominant religious or ethnic narratives over minority rights.

ii. *Inconsistent Judicial Interpretation*

Divergent judicial approaches to secularism, religious freedom, and constitutional morality can create uncertainty and weaken uniform protection of diversity.

iii. *Implementation Deficit*

Constitutional guarantees often suffer from weak enforcement at the administrative level, limiting their impact on the ground realities faced by minority communities.

iv. Communal Polarisation and Identity Politics

Increasing communal polarisation and identity-based mobilisation challenge constitutional ideals of fraternity and social cohesion.

v. Centre–State Tensions in Federal Governance

Centralised decision-making can dilute federal autonomy, particularly in culturally distinct regions, weakening constitutional accommodation of diversity.

vi. Socio-Economic Inequalities

Persistent poverty, educational disparities, and economic marginalisation among minority groups reduce the effectiveness of legal and constitutional safeguards.

vii. Misuse of Religion and Culture

Religious and cultural symbols are sometimes politicised, blurring the line between legitimate cultural expression and exclusionary practices.

viii. Delayed Judicial Remedies

Prolonged litigation and case backlogs restrict timely access to constitutional justice for minorities and marginalised groups.

ix. Erosion of Constitutional Morality

Declining public commitment to constitutional values such as tolerance, pluralism, and fraternity weakens the normative force of diversity governance.

Way Forward

Strengthening Pluralism

Strengthening pluralism requires reaffirming the constitutional commitment to diversity as a foundational value rather than a contingent political choice. The Indian Constitution already provides an inclusive framework through secularism, federalism, minority rights, and substantive equality. However, effective pluralism depends on consistent enforcement and institutional commitment. Scholars argue that pluralism must be actively sustained through inclusive public policies, protection of minority institutions, and respect for cultural autonomy within constitutional limits (Bhargava, 2010). Reforms should focus on strengthening federal decentralisation, empowering local self-governing institutions, and ensuring meaningful participation of marginalised communities in decision-making processes. Additionally, constitutional interpretation should continue to adopt a purposive

approach that recognises diversity as integral to national unity rather than a threat to it (Khosla, 2020).

Enhancing Constitutional Morality and Tolerance

Constitutional morality plays a crucial role in translating constitutional text into lived democratic practice. It requires all state institutions, particularly the executive and legislature, to act in accordance with constitutional values of equality, dignity, fraternity, and tolerance, even when such actions are politically inconvenient. Judicial discourse in recent years has emphasised constitutional morality as a safeguard against majoritarian impulses and exclusionary practices. Enhancing constitutional morality necessitates civic education, judicial accountability, and public discourse rooted in constitutional values. Promoting tolerance also requires countering misinformation, communal polarisation, and identity-based hostility through law, education, and institutional neutrality. Ultimately, constitutional reforms must aim not only at legal compliance but at nurturing a constitutional culture where diversity is respected, dissent is protected, and plural coexistence is seen as essential to India's democratic future.

V. CONCLUSION

This study finds that the Constitution of India functions as the primary and most effective instrument for managing ethnic and religious diversity through a carefully balanced framework of equality, secularism, federalism, and minority protection. The analysis demonstrates that constitutional guarantees of fundamental rights, particularly cultural, religious, linguistic, and educational rights, provide essential safeguards against discrimination and majoritarian domination. Judicial interpretation has played a decisive role in reinforcing secularism as a basic feature, advancing substantive equality, and applying constitutional morality to protect dignity and inclusion. The study also finds that asymmetrical federal arrangements and decentralised governance have helped accommodate regional and ethnic aspirations within the constitutional order. However, persistent challenges—such as implementation gaps, political polarisation, and uneven enforcement—limit the full realisation of constitutional ideals. Overall, the findings confirm that while India's constitutional framework is normatively robust and institutionally comprehensive, its effectiveness in managing diversity ultimately depends on sustained judicial vigilance, political commitment, and public adherence to constitutional values of pluralism, fraternity, and tolerance.

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